IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10815 OF 2004

Balwant Manik Deshmukh ...Petitioner

Versus

Mrs. Vijaymala Balwant Deshmukh ...Respondent

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Mr. S.D. Dharmadhikari, counsel for Petitioner

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CORAM: B. H. MARLAPALLE, J.
DATED: 31ST JANUARY, 2005

P.C.:-

1. Heard Mr. Dharmadhikari, the learned counsel for the petitioner-husband.

2. An application under Section 24 of Hindu Marriage Act at Exh.12 was filed for interim alimony at Rs.5000/- per month and for other legal and travelling expenses. This application was opposed by filing reply at Exh.19, however, after hearing both the parties, the learned II Ad-hoc Additional Sessions Judge at Thane allowed the said application partly by his order dated 27.4.2004 and directed the husband to pay an amount of Rs.1,000/- per month towards the interim alimony and an amount of Rs.450/- by way of travelling expenses to the wife as and when she would attend to the court proceedings.

3. Subsequently, another application at Exh.35 was moved in Marriage Petition No. 94 of 2002 to recall

the earlier order on the ground that while fixing the interim alimony of Rs.1,000/- per month, the order passed by the learned Judicial Magistrate First Class in Maintenance Application No. 174 of 2000 was not considered. This application was rejected by the impugned order dated 10.10.2004.

4. The learned Sessions Judge in his original order dated 27.4.2004 has considered all the relevant factors including the income of the petitioner as well as the maintenance amount granted by the J.M.F.C. and then fixed the amount of interim alimony at Rs.1,000/-. The learned counsel for the petitioner has submitted that the petitioner's salary is hardly about Rs.3,000/- per month and if more than Rs.2,000/- per month is required to be paid to the wife, he would not be left with anything to support him as well as his old aged parents. However, it appears that the court below considered the other sources of income like agriculture etc. and fixed the amount. No case is made out to cause interference in the reasoning set out by the learned II Ad-hoc Additional Sessions Judge in his order dated 27.4.2004 as well as the subsequent order dated 10.10.2004, in this petition under Article 227 of the Constitution.

5. Hence, the petition is rejected summarily.